

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEREMY GAY as the Wrongful Death Personal
Representative of the ESTAT OF RODNEY LYNCH,
RHONDA LYNCH, INDIVIDUALLY and on behalf
of LIYAH NIZHONI LYNCH, a Minor Child,
SHENALE LEANN TSO, INDIVIDUALLY,
MELANIE LYNN LYNCH, INDIVIDUALLY, and
AMBER REE LYNCH, INDIVIDUALLY,

Plaintiffs,

No. 1:21-cv-00604-LF-KK

vs.

JUSTIN OLVERA, in his individual capacity,
ELIJAH BOWMAN, in his individual capacity,
CITY OF GALLUP, a Municipal Corporation
of the State of New Mexico, and GALLUP
POLICE CHIEF FRANKLIN BOYD,

Defendants.

DECLARATION OF FRANKLIN BOYD

I, Franklin Boyd, declare and state as follows:

1. I am the Chief of the Gallup Police Department. I have served in this capacity since April 19, 2019.
2. I make this Declaration upon my own personal information and belief and based on my review of the Gallup Police Department policies concerning Public Safety Officers.
3. Elijah Bowman was hired as a Police Recruit and was scheduled to go to the Law Enforcement Academy in July 2019. Because he was not yet certified, Bowman was serving in the capacity of a Public Service Officer on June 28, 2019.

EXHIBIT 1

4. Public Service Officers were previously called Community Service Aids. They are civilian employees of the police department.

5. On June 28, 2019, Bowman was assigned to operate a Gallup Police Department Community Service van to look for intoxicated individuals who might require protective custody admission to the Gallup Detox Center pursuant to the provisions New Mexico Detoxification Reform Act.

6. PSO's are prohibited by policy from handling calls related to felony offenses, audible or silent alarms, or officers in need of assistance.

7. PSO's are further prohibited from participating in vehicle or foot pursuits, the initiation of traffic stops, or following traffic violators.


8. PSO's are not permitted to guard or transport prisoners or offenders to any detention center.

9. PSO's are issued only non-lethal equipment, including expandable batons, chemical agents, and handcuffs.

10. PSO's have no arrest authority.

11. I declare and state under penalty of perjury that the foregoing is true and correct.

Executed on 10/26/2021


FRANKLIN BOYD